

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOSE TRUJILLO,

Plaintiff,

v.

PAUL GOGNA, et al.,

Defendants.

Case No. 1:22-cv-00707-JLT-SAB

ORDER DIRECTING THE CLERK OF THE
COURT TO TERMINATE DEFENDANT
AKBAR ALI HUDA AS A PARTY IN THIS
ACTION

(ECF No. 20)

On February 20, 2024, Plaintiffs filed a notice of dismissal of Defendant Akbar Ali Huda without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i). (ECF No. 20.) Rule 41(a) of the Federal Rules of Civil Procedure allows a party to dismiss some or all of the defendants in an action through a Rule 41(a) notice. Wilson v. City of San Jose, 111 F.3d 688, 692 (9th Cir. 1997); see also Concha v. London, 62 F.3d 1493, 1506 (9th Cir. 1995) (“The plaintiff may dismiss either some or all of the defendants—or some or all of his claims—through a Rule 41(a)(1) notice.”).

Defendant Akbar Ali Huda has not filed an answer or a motion for summary judgment in this action. Under Rule 41(a)(1)(A)(i) a “plaintiff may dismiss an action without a court order by filing: (i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment.” Fed. R. Civ. P. 41(a)(1)(A)(i).

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Accordingly, the Clerk of the Court is DIRECTED to terminate Defendant Akbar Ali Huda as a defendant in this action.

IT IS SO ORDERED.

Dated: **February 21, 2024**


UNITED STATES MAGISTRATE JUDGE